

RESPONSE TO OFFICE ACTION
U.S. Serial No. 10/699,396
Filed: October 30, 2003

REMARKS

In the office action mailed January 6, 2006, the examiner objected to claims 1 and 3 for informalities. The amendments above correct these informalities. Claims 1, and 2 were rejected under section 112 for failing to provide proper antecedent basis for one or more claim elements. The amendments above correct the lack of antecedent basis. Claim 6 was rejected under section 112 as appearing indefinite in claiming the use of a single wire structure. The above amendments cancel claim 6 and amend claim 1 to clarify that the mounting rail, upper mounting pin, and lower mounting pin are formed from a single rod. An exemplary illustration of this embodiment is shown in Fig. 3, where mounting rail 40, upper mounting pin 42, and lower mounting pin 44 are formed from a single wire rod bent at substantially right angles to form the upper and lower mounting pins and curved to transition from the top rail portion 61 of the mounting rail to the bottom rail portion 62 of the mounting rail. The rod in the exemplary embodiment illustrated in Fig. 3 is a solid cylindrical metal wire rod, but in other embodiments, the rod can be made of other materials, may be hollow, and may have a different cross sectional shape.

The examiner rejected claims 1-4 and 7 under 35 U.S.C. § 103(a) over *Buffington* in view of *Bustos*. *Buffington* discloses an adjustable shelf using a support plate (44) for attaching the shelf to a wall standard. The support plate disclosed in *Buffington* includes a plurality of notches within a pair of support plate arms that engage an edge of the supporting standard. See, e.g., column 2, line 59 to column 3, line 9. Similarly, the shelving structure in *Bustos* attaches to a vertical support member by means of similar notches (e.g., 85a) in

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support plate arms (*e.g.*, 85) forming part of a support plate 57. *See, e.g.*, Figs. 4-6. Neither *Buffington* nor *Bustos* disclose an adjustable cantilevered shelf with a mounting rail that attaches to a vertical support member with upper and lower mounting pins, wherein the mounting rail, upper mounting pin, and lower mounting pin are formed from a single rod, as claimed in the present invention. The use of a single rod to form the mounting rail, upper mounting pin, and lower mounting pin, provides distinct advantages over prior art devices employing a support plate. For example, the single rod design allows for more efficient manufacturing and greater simplicity of use for the end user.

Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) over *Buffington* in view of *Bustos* and further in view of *Metcalf*. The examiner cites *Metcalf* as teaching a frame for displaying indicia. *Metcalf* was not cited for, nor does it disclose, a mounting rail, upper mounting pin, and lower mounting pin formed from a single rod. Thus, the combination of *Metcalf* and *Bustos* still fails to teach the limitation of a mounting rail, upper mounting pin, and lower mounting pin formed from a single rod as required by all pending claims.

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CONCLUSION

The foregoing is respectfully submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicant respectfully solicits a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at (404) 815-6483.

Respectfully submitted,



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